

## REMARKS/ARGUMENTS

Claims 12-18, 20, 22 and 29-40 are currently pending in this application.

### Rejection Under 35 U.S.C. 103(a)

Examiner has rejected claims 12-13, 15-18, 20, 22 and 29-40 under 35 U.S.C. 103(a) as allegedly being unpatentable over Megevand *et al.* in view of U.S. Patent No. 5,206,568 (Bjornson *et al.*). In addition, Examiner has rejected claim 14 under 35 U.S.C. 103(a) as allegedly being unpatentable over Megevand *et al.* in view of U.S. Patent No. 5,206,568 (Bjornson *et al.*) and U.S. Patent No. 5,578,460 (Ebersole *et al.*). Applicant respectfully traverses Examiner's rejections for the reasons set forth below.

Megevand *et al.* disclose collecting phytoseiid mites in a pipette tip using an aspirator, followed by sealing one end of the pipette tip using paraffin and covering the other end of the pipette tip with mite-proof gauze (page 120, 3<sup>rd</sup> paragraph from the top).

Bjornson *et al.* describe a method comprising aspirating fluid into a pipette tip, releasing the aspirated fluid into a well, and transferring the fluid from the well into another well that optionally contains a chemical reagent.

Ebersole *et al.* describe sealing the dispensing end of a pipette tip to form a micro-collection tube, and using the micro-collection tube to collect fluid.

Contrary to what Examiner has suggested, Megevand *et al.* do not teach or suggest steps i) and ii) of the presently pending claims. Specifically, Megevand *et al.* do not do not teach or suggest aspirating a *fluid* material into a dispensing tip having an open first end and an open second end. Rather, Megevand *et al.* disclose aspirating a plurality of mites into a pipette tip, which do not form a fluid material but rather a collection of discrete organisms.

Furthermore, neither Bjornson *et al.* nor Ebersole *et al.* teach or suggest, either individually or in combination, the presently claimed method, which comprises withdrawing fluid into a first dispensing tip having an *open* first end and an *open* second end, and sealing the *open* second end of the first dispensing tip *containing* the fluid to

form a sealed dispensing tip having an open first end and a closed second end and defining a sample reservoir containing the fluid.

Based on the foregoing comments, it is, therefore, clear that the combination of Megevand *et al.* and Bjornson *et al.* or Megevand *et al.*, Bjornson *et al.* and Eberson *et al.* does not result in the presently claimed method.

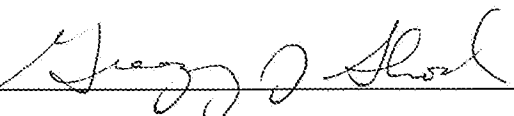
Accordingly, the presently pending claims are patentable over Megevand *et al.* in view of Bjornson *et al.*, or Megevand *et al.* in view of Bjornson *et al.* and Eberson *et al.*, and Examiner is respectfully requested to withdraw the rejections under 35 U.S.C. 103(a).

It is respectfully submitted that the above-identified application is now in a condition for allowance and favorable reconsideration and prompt allowance of these claims are respectfully requested. Should the Examiner believe that anything further is desirable in order to place the application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Any additional fee which is due in connection with this amendment should be applied against our Deposit Account No. 19-0522.

Respectfully submitted,

By 

Gregory J. Skoch, Reg. No. 48,267  
HOVEY WILLIAMS LLP  
2405 Grand Boulevard, Suite 400  
Kansas City, Missouri 64108  
816/474-9050

ATTORNEYS FOR APPLICANT(S)